

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

SHAHZAIB LAKHANI,  
by and through his parent, ZAHRA LAKHANI,

Plaintiff,

v.

Case No.: \_\_\_\_\_

HENRICO COUNTY SCHOOL BOARD

Defendant.

**NOTICE OF REMOVAL**

Defendant Henrico County School Board, by counsel and pursuant to Sections 1441 and 1446 of Title 28 of the United States Code, hereby removes this civil action, originally filed in state court, to this court. The statement of the grounds for removal of this action is set forth below.

1. On September 27, 2021, Shahzaib Lakhani (“Plaintiff”), by and through his parent, Zahra Lakhani, filed a Complaint in the Circuit Court for the County of Henrico, Virginia (Case No. CL21-6036-00). A copy of this pleading is attached to this notice as Exhibit A.

2. The Plaintiff seeks an extension of the time to file an appeal of the determination of a due process hearing that was held pursuant to the Individuals with Disabilities Education Act (20 U.S.C. § 1400 *et seq.*). *See* Compl. ¶ 13. The United States District Court for the Eastern District of Virginia thus has original jurisdiction over this claim by reason of 28 U.S.C. § 1331 because this action arises under a federal statute. *See* 28 U.S.C. § 1441(a). This Federal Court also embraces the place where the state court action is pending. *See id.* and Local Rule 3(B)(4).

3. On October 20, 2021, the Defendant was served with a summons and a copy of the Complaint. A copy of the proof of service and summons is attached as Exhibit B. This Notice of Removal is, therefore, timely filed pursuant to 28 U.S.C. § 1446(b).

4. In response to the Complaint, Defendant filed a Motion to Dismiss Plaintiff's Motion Seeking Additional Time to File, Demurrer, and Motion to Dismiss for Failure to Properly Plead the Complaint, along with a supporting memorandum, in the above-referenced state court. Copies of these documents are attached as Exhibits C and D.

4. The undersigned Senior Assistant County Attorney will represent the Defendant in this matter. The Defendant consents to removal of this action from the Virginia trial court to this Federal Court.

5. The Defendant, by counsel, will give written notice of the filing of this Notice of Removal as required by 28 U.S.C. § 1446(d).

#### **ROSEBORO NOTICE**

This Motion is a dispositive motion. Pursuant to Local Rule 7(K) and *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), the Defendant provides the following warning to the *pro se* Plaintiff:

1. The *pro se* party is entitled to file a response opposing the motion and any such response must be filed within twenty-one (21) days of the date on which the dispositive or partially dispositive motion is filed; and
2. The Court could dismiss the action on the basis of the moving party's papers if the *pro se* party does not file a response; and
3. The *pro se* party must identify all facts stated by the moving party with which the *pro se* party disagrees and must set forth the *pro se* party's version of the facts by offering

affidavits (written statements signed before a notary public and under oath) or by filing sworn statements (bearing a certificate that it is signed under penalty of perjury); and

4. The *pro se* party is also entitled to file a legal brief in opposition to the one filed by the moving party.

WHEREFORE, the Defendant, by counsel and pursuant to Sections 1441 and 1446 of Title 28 of the United States Code, hereby removes this civil action, originally filed in the Circuit Court for the County of Henrico, Virginia (Case No. CL21-6036-00), to this Court and respectfully ask that this action proceed in this Court as an action properly removed to it.

Respectfully submitted,

HENRICO COUNTY SCHOOL BOARD

By: \_\_\_\_\_/s/\_\_\_\_\_  
Mary Kathryn Hart (VSB No. 37465)  
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Henrico County Attorney's Office  
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\*Counsel for Record

### **CERTIFICATE OF SERVICE**

I hereby certify that on the 19<sup>th</sup> day of November 2021, a true copy of the foregoing, including its attachments, was sent by first-class mail, postage prepaid, to:

Zahra Lakhani  
4500 Allenbend Road  
Glen Allen, VA 23060  
*Pro Se Plaintiff*

/s/  
Mary Kathryn Hart (VSB No. 37465)  
Senior Assistant County Attorney  
Henrico County Attorney's Office  
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